

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**ELOY M. APODACA,**

**Defendant.**

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**CASE NO. 06-00231-01-CR-W-NKL**

**REPORT AND RECOMMENDATION  
CONCERNING PLEA OF GUILTY**

The Defendant, by consent, has appeared before me pursuant to Fed.R.Crim.P. 11, Local Rule 72(j)(26), and 28 U.S.C. § 636, and has entered a plea of guilty to the lesser included charge of Count 1 of the Indictment. After cautioning and examining the Defendant under oath concerning each of the subjects mentioned in Fed.R.Crim.P. 11, I determined that the guilty plea knowledgeable and voluntary as to the lesser included charge of Count 1 of the Indictment and that the offense charged is supported by an independent basis in fact containing each of the essential element of such offense. A record was made of the proceedings and a transcript is available. I therefore recommend that the plea of guilty be accepted and that the Defendant be adjudged guilty and have sentence imposed accordingly.

Failure to file written objections to this Report and Recommendation within ten (10) days from the date of its service shall bar an aggrieved party from attacking such Report and Recommendation before the assigned United States District Judge. 28 U.S.C. § 636(b)(1)(B).

s/ JOHN MAUGHMER  
**JOHN MAUGHMER**  
**United States Magistrate Judge**

Dated: October 4, 2007